

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TRAVIS LOWE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04CV992S

**KELLY YORK, MICHAEL MADDEN,
UNKNOWN CLEMENS, MIKE JONES,
C/O HARVEY, C/O HORN, C/O CARR
and C/O ALEXANDER**

DEFENDANTS

ORDER

This matter came before the court on a review of the docket, which revealed that the Plaintiff has filed a pleading styled, “2nd Request for Lawful Guidance Regarding Reproduction of Initial Discovery Documents.” The document is based upon the alleged destruction of discovery documents that were in the Plaintiff’s cell but lost during a search for contraband. The search was conducted on February 13, 2006, and, on August 24, 2006, the Plaintiff propounded a Second Request for Production of Documents. Although it is not entirely clear from the Motion, it appears that this Request for Production seeks copies of the documents that were lost. The docket reflects that the Defendants responded to that Request on September 20, 2006; however, the court is unaware of the contents of that Response or whether the Plaintiff was provided with the documents that he seeks.

Because the Plaintiff is a pro se prisoner litigant, the court will not require him to file a Motion to Compel in order to obtain the documents sought by the Request. Instead, it will construe the “2nd Request for Lawful Guidance” as a Motion to Compel and require the Defendants to respond. If they have provided the documents in question, they may simply so inform the court. In that response, the court also will require that the Defendants respond to the court’s Order of February

16, 2006, requiring information on the last known addresses of certain Defendants. This case cannot be set for trial until it is determined whether those Defendants are amenable to service of process, and the court is anxious to conclude this matter.

IT IS, THEREFORE, ORDERED that the Defendants respond to the “2nd Request for Lawful Guidance Regarding Reproduction of Initial Discovery Responses” and the court’s February 16, 2006, Order on or before October 20, 2006.

IT IS SO ORDERED, this the 3rd day of October, 2006.

S/James C. Sumner

UNITED STATES MAGISTRATE JUDGE